



Toll Bridge Program Oversight Committee

MINUTES
TBPOC CONFERENCE CALL
January 4, 2006, 3:00 PM

Participants: Will Kempton, John Barna, Dan McElhinney, Andy Fremier, Rod McMillan and Jon Tapping

Convened: 3:04 PM

ITEMS	TBPOC Decision/Direction
I. SAS Bid Opening Date Extension Request The meeting was called to discuss the latest developments on the American Bridge/Fluor JV's December 27, 2005 written request for a two-month extension to the bid opening date and a six-month extension to the milestone dates.	
II. Other Issue Another potential bid team has been requested to provide a bidder's inquiry to document its request for an additional six months in the contract so that a formal response can be made.	<ul style="list-style-type: none">• Once bidder's inquiries are submitted, the TBPOC will reconvene to discuss how to respond to the potential bid teams.• The TBPOC indicated its interest in contacting principals of the potential bid teams within the bounds of the Public Contract Code.


Adjourned: 3:29 PM

APPROVED BY:




WILL KEMPTON, Director
California Department of Transportation

2-23-06
Date



JOHN F. BARNA, Jr., Executive Director
California Transportation Commission

2-23-06
Date



STEVE HEMINGER, Executive Director
Bay Area Toll Authority

3/2/06
Date



Toll Bridge Program Oversight Committee

MINUTES
TBPOC CONFERENCE CALL
January 11, 2006, 2:00 PM

Convened: 1:50 PM

Part I

Participants: Will Kempton, Steve Heminger, John Barna, Andy Fremier, Dan McElhinney, Stephen Maller, Jose Aguirre and Jon Tapping

ITEMS	TBPOC Decision/Direction
I. Preparatory Discussion <ul style="list-style-type: none">• This session was called to clarify the legal parameters for the next items to make sure the AB/Fluor and Kiewit teleconference discussions meet State Contract Act requirements.• The TBPOC has to let the two potential bidders know that the conference call is a matter of public information.• At the end of the teleconference, the nature of the call will be summarized from a State Contract Act perspective.	<ul style="list-style-type: none">• The purpose of the call to the potential bidders is for the TBPOC to get a sense of the problem, and have the potential bidders expand on their concerns.

Part II

Participants for TBPOC: Will Kempton, John Barna, Steve Heminger, Andy Fremier, Stephen Maller, Jose Aguirre and Jon Tapping

Participants for Kiewit: Mike Phelps (Sr. VP), Paul Giuntini (Lead Estimator), Tom Skoro (Pacific Structure District Mgr), Steve Hansen (Offsite Mgr)

ITEMS	TBPOC Decision/Direction
II. Clarification of Bidder's Inquiry No. 267 <i>A. Introduction</i> <ul style="list-style-type: none">• After formal introductions of the conference participants, Director Kempton defined the purpose of the call which was to obtain from Kiewit an amplification of Bidder Inquiry No. 267, which he formally read.	

ITEMS	TBPOC Decision/Direction
<ul style="list-style-type: none"> • Director Kempton further stated the following: <ul style="list-style-type: none"> ○ that matters discussed will be public information; ○ that an amplification of this inquiry will be posted and answered accordingly through the bidder inquiry process; ○ that the TBPOC will be talking to other potential bidders in a similar way. 	
<p><i>B. Amplification</i></p> <ul style="list-style-type: none"> • Kiewit explained in-depth why they thought an additional six months needed to be added to the SAS contract in order for them to submit a responsive bid. <ul style="list-style-type: none"> ○ They need more time to complete cable work. Their steel suppliers will not be able to deliver the fabricated steel under the current time frame. For Kiewit it is not a question of fabrication but of delivery. Kiewit cannot make the schedule without the 6 months added to the contract. ○ If they can't make the required contract schedule, they will not submit a bid. 	<ul style="list-style-type: none"> • Director Kempton stated that Kiewit has amplified their specific Bidder Inquiry to the satisfaction of the members of the TBPOC who will contemplate on their input. • To satisfy legal requirements, he reiterated the formal statements he made at the beginning of the call. • Bidder Inquiry No. 267 will be modified to reflect this amplification and any response will be published.

Part III

Participants for TBPOC: Will Kempton, John Barna, Steve Heminger, Andy Fremier,
Stephen Maller, Jose Aguirre and Jon Tapping

Participants for AB/Flour: Bob Luffy (CEO & Pres.), Ron Crockett, VP – Special Projects for American Bridge; Pat Flaherty (Sr. VP - Infrastructure), David Parker (Dir, Bus Dev) for Fluor

ITEMS	TBPOC Decision/Direction
<p>II. Clarification of Bidder's Inquiry No. 262</p> <p><i>A. Introduction</i></p> <ul style="list-style-type: none"> • Participants were introduced. Director Kempton formally read Bidder Inquiry No 262 and made it known that the purpose of the call was to obtain from AB/Flour an amplification of the bidder inquiry. 	

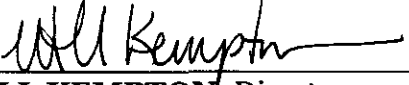
ITEMS	TBPOC Decision/Direction
<ul style="list-style-type: none"> • Director Kempton further stated the following: <ul style="list-style-type: none"> ◦ that anything discussed will be public information, ◦ that an amplification of this inquiry will be posted and answered accordingly through the bidder inquiry process. • Director Kempton then asked that AB/Fluor amplify Bidder Inquiry No. 262 with specific reference to schedule issues. (AB/Fluor requests a two-month bid date extension after all of the 7 issues in their inquiry have been addressed. Item no. 4 requests extending the milestone dates by an additional six months.) 	
<p><i>B. Amplification</i></p> <ul style="list-style-type: none"> • AB/Fluor addressed the 7 issues enumerated in their inquiry. <ul style="list-style-type: none"> ◦ Items 1, 2, 3 & 4 are not as critical as 5, 6 & 7. ◦ AB/Fluor requests a waiver of consequential damages and a limitation on damages. ◦ Caps on liability with regard to catastrophic property damages is requested due to the limited amount of insurance a contractor can buy. ◦ With steel supplier no longer on board they find themselves scrambling and needing additional time to line up sureties. ◦ They need time to secure more steel suppliers. ◦ AB/Fluor will not use suppliers unless they have passed Caltrans' pre-bid audits. They do not know how fast Caltrans can complete these audits for all suppliers who requesting them 	<ul style="list-style-type: none"> • Director Kempton thanked AB/Fluor for providing an expanded explanation of Bidder Inquiry No. 262. • Director Kempton re-stated what he said at the start of the teleconference: <ul style="list-style-type: none"> ◦ that what has transpired during the meeting is public information; ◦ that their amplified bidder inquiry will be posted for all other bidders to see; and ◦ that any response will be published using the typical bidder inquiry process.

Adjourned: 3:42 PM




Toll Bridge Program Oversight Committee

APPROVED BY:



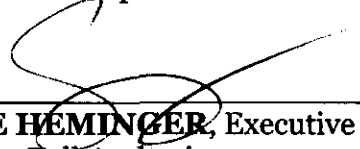
WILL KEMPTON, Director
California Department of Transportation

2-23-06
Date



JOHN F. BARNA, Jr. Executive Director
California Transportation Commission

2-23-06
Date



STEVE HEMINGER, Executive Director
Bay Area Toll Authority

3/2/06
Date



Toll Bridge Program Oversight Committee

MINUTES
TBPOC CONFERENCE CALL
January 13, 2006, 9:00 AM

Participants: Will Kempton, Steve Heminger, John Barna, Andy Fremier, Randy Iwasaki, Stephen Maller, Francis Chinn, Jose Aguirre and Jon Tapping

Convened: 9:06 AM

This is a follow-up meeting to the January 11 Teleconference during which amplification of Bidder Inquiries No. 262 and 267 was provided by potential bidders.

ITEMS	TBPOC Decision/Direction
I. Practicality of Award in 30 Days <ul style="list-style-type: none">Acting Project Manager Jon Tapping indicated cautious optimism that the SAS contract can be awarded within 30 days of bid opening.	<ul style="list-style-type: none">The TBPOC approved changing the current 60-day award specification to a 30-day award specification. This will require an addendum to the SAS contract
II. Request for Provisions <ul style="list-style-type: none">Caltrans Asst. Chief Counsel Jose Aguirre indicated that Caltrans has no authority -<ul style="list-style-type: none">to provide a waiver of consequential damages;to provide a cap on Contractor's liability in the event of catastrophic property damage; orto agree that liquidated damages will be the sole remedy for failure to meet milestones.	<ul style="list-style-type: none">The TBPOC agreed to have counsel further investigate the issues of consequential damages and liability caps.
III. Addendum Specifics (Language & Release Timing)	<ul style="list-style-type: none">TPBOC approved a 6 months SAS contract time extension.

Adjourned: 9:54 AM


APPROVED BY:


WILL KEMPTON, Director
California Department of Transportation

2-23-06
Date



Toll Bridge Program Oversight Committee



JOHN F. BARNA, Jr. Executive Director
California Transportation Commission

2-23-06
Date



STEVE HEMINGER, Executive Director
Bay Area Toll Authority

3/2/06
Date



Toll Bridge Program Oversight Committee

MINUTES
TBPOC CONFERENCE CALL
January 18, 2006, 3:30 PM

Participants: Will Kempton, Steve Heminger, John Barna, Andy Fremier, Randy Iwasaki, Rick Land, Stephen Maller, Jose Aguirre, Francis Chin, George Spanos, Mark Castillo, Leo Scott and Jon Tapping

Convened: 3:31 PM

The meeting was called to further discuss urgent SAS Contract issues and act on Bidder Inquiry Nos. 262 and 267.

ITEMS	TBPOC Decision/Direction
I. Contract Issues <ul style="list-style-type: none">Attorneys were asked for guidance on the possibility of acceding to the bidder request for the following:<ul style="list-style-type: none">waiver of consequential damages,limitation on damages in the event of contractor termination or default,limitation on contractor's liability for loss or damage to work cannot be granted legally.	<ul style="list-style-type: none">There has been no change in legal position since the TBPOC met on this subject. These issues are not within the authority of Caltrans to grant legally.
II. Bid Opening Extension	<ul style="list-style-type: none">The bid opening date will be extended 60 days from date of notification to March 22, 2006.To mitigate the overall delay, the bid review process for awarding the contract will be reduced from 60 to 30 days.
III. Contract Work Days Extension	<ul style="list-style-type: none">The contract work days will be extended 180 days.
IV. Contract Work Days Buyback Incentive	<ul style="list-style-type: none">A buyback incentive clause will be added to the contract to encourage early completion at \$50,000 a day for up to six months.Additionally, to attract a bigger pool of bidders, the bid stipend for the 3 low responsive bidders will be increased from \$3M to \$5M.




Toll Bridge Program Oversight Committee

ITEMS	TBPOC Decision/Direction
V. Press Release <ul style="list-style-type: none">• The announcement should refer to the bidder inquiries received, and respond to the broader bidder community to attract a number of bidders.• Responses to Bidder Inquiries will be referred to Addendum 7 that will cover these changes, and which will be issued on Monday, January 23.	<ul style="list-style-type: none">• A press release and conference is the appropriate way of announcing these decisions.• Randy Iwasaki and Bart Ney to develop talking points and draft press release covering these decisions.• The press conference will Jan. 19, 2006 at 12:00 PM.


Adjourned: 4:30 PM

APPROVED BY:



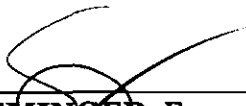
WILL KEMPTON, Director
California Department of Transportation

2-23-06
Date



JOHN F. BARNA, Jr., Executive Director
California Transportation Commission

2-23-06
Date



STEVE HEMINGER, Executive Director
Bay Area Toll Authority

3/2/06
Date



Toll Bridge Program Oversight Committee

MINUTES
TBPOC CONFERENCE CALL
January 31, 2006, 4:30 PM

Participants: Will Kempton, Steve Heminger, John Barna, Andy Fremier, Randy Iwasaki, Stephen Maller, Jon Tapping, Rick Land, Harry Jarnagan, Ted Hall, Bijan Sartipi, Dan McElhinney, Brian Maroney, Judis Santos, Karen Wang.

Convened: 4:36 PM

ITEMS	ACTION/RESPONSE
I. ADDENDUM STRATEGY A request was made to issue an addendum related to tower constructability and other improvements for the SFOBB SAS Contract.	<ol style="list-style-type: none">1. TBPOC DENIED the request and indicated addendum #7 is the last addendum that will be issued.2. Respond to bidder inquiry as necessary. Work with contractor as a CRIP or contract change order.
II. JANUARY MONTHLY REPORT (request for approval) A request was made to approve the January Monthly report before Wednesday's (2/1/06) mailing date.	TBPOC APPROVED the January Monthly Report.
III. 4TH QUARTERLY REPORT (information) The 4 th Quarterly Report was presented to the TBPOC for review and comment.	The following comments were made by the TBPOC: <ol style="list-style-type: none">1. Reports need to reflect items that were presented to the TBPOC during the quarter's reporting period.2. TBPOC approval of the report is to be scheduled around Feb. 8th, 9th or 10th.3. Hard copy of report due to Legislature by Feb 14th. If necessary, an electronic copy of report may be submitted by the 14th with hard copy to follow. BATA to deliver report directly to Legislature.

Adjourned: 5:14 PM.



Toll Bridge Program Oversight Committee


MINUTES
TBPOC CONFERENCE CALL
January 31, 2006, 4:30 PM

APPROVED BY:




WILL KEMPTON, Director
California Department of Transportation

2-23-06
Date



JOHN F. BARNA, Jr. Executive Director
California Transportation Commission

2-23-06
Date



STEVE HEMINGER, Executive Director
Bay Area Toll Authority

3/2/06
Date



Toll Bridge Program Oversight Committee

MINUTES
TBPOC CONFERENCE CALL
February 10, 2006, 1:30 PM

Participants: Will Kempton, Steve Heminger, John Barna, Andy Fremier, Randy Iwasaki, Stephen Maller, Jon Tapping, Tony Anziano, Rick Land, Francis Chin, Peter Lee, Harry Jarnagan, Bart Ney, Brian Maroney, Bijan Sartipi, Dan McElhinney, Judis Santos, Karen Wang.

Convened: 1:32 PM

ITEMS	ACTION/RESPONSE
INTRODUCTIONS/ANNOUNCEMENTS Tony Anziano was officially announced as the Toll Bridge Program Manager with Brian Maroney, serving as the acting Deputy Program Manager until a permanent Deputy Program Manager is hired. Jon Tapping was recognized for his efforts in his role as the Interim SFOBB East Span Project Manager.	
I. PACIFIC CEMENT BACKGROUND AND TALKING POINTS (information) The Committee was presented with the Pacific Cement background, events to date and talking points. The Committee reviewed and provided comments on the talking points document. The committee discussed the option to issue a press release in near future. Details to be further discussed in a separate meeting.	1. Incorporate TBPOC's comments into the talking points document.
II. 4TH QUARTERLY REPORT (request for approval) A request was made to approve the 4 th Quarterly Report.	1. TBPOC APPROVED the 4 th Quarterly Report. 2. TBPOC to sign cover letter by early Tuesday (Feb. 14).


Adjourned: 2:15 PM.



Toll Bridge Program Oversight Committee


MINUTES
TBPOC CONFERENCE CALL
February 10, 2006, 1:30 PM

APPROVED BY:




WILL KEMPTON, Director
California Department of Transportation

2-23-06
Date



JOHN F. BARNA, Jr. Executive Director
California Transportation Commission

2-23-06
Date



STEVE HEMINGER, Executive Director
Bay Area Toll Authority

3/2/06
Date